

Probate Notes for June 5, 2007

Probate notes are a recommendation as to the outcome of the petition. Unlike tentative rulings, they do not automatically become adopted as the order of the court. If you wish to have your petition preapproved or would like to continue the matter to cure defects, contact the probate examiner at (530) 406-6718 between the hours of 2 p.m. and 4 p.m.

Case: Probate Conservatorship of Jean Lamb
Case No. CV PB 06-182

It is recommended to approve the 1st account and report of the probate conservator of the person and estate, and grant conservator's fees in the corrected amount of \$16,683.68, attorney's fees of \$5,686.00, and fees to the Court Investigator of \$247.00.

It is recommended to order that Letters of Conservatorship be reissued so that the conservator's authority to place the conservatee in a secured-perimeter residential care facility is discontinued, in that the provisions of Probate Code, §2356.5(b) have not been met, per the court investigator's report.

It is recommended that petitioner file a declaration regarding a proposed increase of bond pursuant to Probate Code section 2320, because the current value of the assets on hand exceeds the current bond.

It is recommended that a new proposed order be submitted which reflects corrected fees to the conservator, fees to the Court Investigator, and amount of bond to be fixed.

Case: Probate Conservatorship of Juvinall
Case No. CV PB 05-47

Petitioner is requested to submit a new declaration in support of fees which (a) separates her hours from her staff hours, and (b) states the skills and services of each staff person to justify \$80 per hour.

The Inventory is the starting value of the accounting; however, the Summary of Account states a different value for "Assets at Beginning". Petitioner is requested to submit an explanation for the discrepancy of \$6,062.07.

Case: Estate of Peters
Case No. CV PB 06-232

It is recommended to approve the first and final account and report of executor and grant the petition for its settlement, for statutory executor's and attorney's fees, and for final distribution.

Case: Estate of Robinson
Case No. CV PB 07-83

The following problems are noted:

1. Petition is not signed by petitioner, but signed by her attorney instead. Petitioner is seeking to become a fiduciary, therefore she must sign and verify the petition. (CA Rule of Court 7.103(c))
2. Answers were omitted to Item 4.a.; Item 4.f.(1)(d) as to Garry Robinson
3. Petition fails to fully state, at Item 9, all persons named in the Will. The name and relationship of the first and second named executors, and their relationship to decedent, was omitted.
4. A copy of the Will was not attached to the petition, as required by Probate Code § 8002(b)(1).
5. Proof of publication not yet filed.
6. Proof of service of notice is not yet filed.

It is recommended to continue the matter so that an amended petition may be served in accordance with CA Rules of Court, Rule 7.53(a).

Case: Estate of Sarwar
Case No. CV PB 05-18

It is recommended to deny the petition as not being in the best interest of the minor beneficiaries.

In addition, it is recommended that the court order that petitioner file either (1) a petition for final distribution with an accounting (since the minor children cannot waive an accounting), or (2) a status report within two months. (Prob. Code § 12200)